

Minutes
State Board of Social Services
Albemarle County Government Offices
April 16-17, 2003

Present

Debra Andrews, Chairman
Robert Spadaccini
Julie Christopher-Wednesday only
Danny Brown
Maggi Luca
Jean Cobbs-Wednesday only
Phillip Jones

Absent

Carol Coryell-Out of Country
Mamie Locke

Call to Order

The April regional meeting of the VA State Board of Social Services was called to order at 9:02 a.m., Chairman Debra Andrews presiding.

Welcome and Introductions

Jack Frazier, Northern Regional Director, Kathy Ralston-Albemarle DSS Director, and Buzz Cox-Charlottesville DSS Director welcomed the members to their region. A briefing on area statistics was provided. Members were invited to attend a private tour of Monticello and reception (hosted by the local board) at the Discovery Museum.

Chairman Andrews announced two additions to the Child Protective Services Out of Family Advisory Group. They are Johanna Schuchert representing Prevent Child Abuse Virginia and Kerthy Hearn representing the Virginia Education Association.

Regulation Update

Richard Martin advised that as of April 15, 2003, the department has 87 regulations in place. Fifty-two of the eighty seven are currently in process.

Of those 87, 35 are in the process of being repealed (28 of the repeals relate to old AFDC regulations that will be replaced by the new TANF regulations and two of the repeals will be effective within the next 30 days.

Of those 87, 12 are in the process of being amended.

Of those 87, 5 are in the periodic review process.

13 additional new regulations are in the process of being promulgated.

That totals 100 regulations and proposed regulations.

Mr. Martin advised that at the January meeting, the Board voted to approve 22 VAC 40-375-10. The General Assembly eliminated awards. This regulation will come back before the Board at the June meeting as a final regulation with revisions.

Mr. Spadaccini asked if the changes made were substantive. Mr. Martin agreed they were but they had no choice in making them. Mr. Martin advised public comment will not be reopened.

Mr. Wilson, AG representative, advised if they feel the changes are substantive, another public comment will be held.

Mr. Martin advised if twenty-five comments were received, a public comment would have to be held. He further advised there had been no comments received to date.

Mr. Spadaccini questioned the amount of the grant. Mr. Martin will provide this information to Mr. Spadaccini.

22 VAC 40-745-10 Assessment in Adult Care Residences

Mr. Martin advised this regulatory action will begin the process to amend the above regulation. Amending the regulation will bring it into compliance with the recently revised regulation for assisted living facilities and with the Department of Medical Assistance Service's policy for reimbursement for assisted living services.

Discussion: None

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Christopher) moved to approve the Notice of Regulatory Action package for 22 VAC 40-745-10 entitled Assessment in Adult Care Residences for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002). Motion carried with all in favor.

22 VAC 40-25-10 Auxiliary Grants Program: Levels of Care and Rate Setting

Mr. Martin advised this regulatory action will amend the above regulation to bring it into compliance with the recently revised regulation for assisted living facilities. Amendments will also clarify reimbursement procedures and issues regarding oversight of resident's funds by an assisted living facility or adult foster care home.

Discussion: Mr. Spadaccini referred to Townhall document #1 under Purpose and asked if the evaluation mentioned was a new requirement. Mr. Martin advised it was not.

Both Mr. Spadaccini and Jones questioned why a public hearing would not be done since this issue is known to generate a lot of comment. Mr. Martin advised this regulation is in the NOIRA stage and the issue of a public hearing could be revisited at the proposed stage if the Board desires. It was confirmed that the rate is \$841 (grant supplemented rate) and will increase in July; however, the personal care allowance will not increase.

Mr. Spadaccini expressed concern over the Department's position on not expecting to reopen public comment as the Board has during the previous several years supported the need for the increase in payments for these services. He stated that while it was not necessary to require public comment at this stage of the regulatory process, he would request the Board consider the need later in the process.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Christopher) moved to approve the Notice of Intended Regulation Action package for 22 VAC 40-25-10 entitled Auxiliary Grants Program: Levels of Care and Rate Setting for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002). Motion carried with all in favor.

22 VAC 40-705-10 Child Protective Services

Mr. Martin advised that on January 1, 2003 amendments to these regulations became effective to incorporate the child protective services differential response system. The changes made to the Child Protective Services regulations as of January 1 also addressed the issues for which the December 1999 was proposed.

On behalf of the department, he requested the Board to withdraw the Notice of Intended Regulation Action package to amend 22 VAC 40-705-10 entitled Child Protective Services, which was published in the Virginia Register in 18:9 VA.R.1177 on January 14, 2002.

Discussion: None

ON MOTION DULY MADE (Mr. Jones) and seconded (Mr. Brown) moved to approve withdrawal of 22 VAC 40-705-10 entitled Child Protective Services. Motion carried with all in favor.

22 VAC 40-660-10 Child Day Care Services Policy

Mr. Martin advised that due to significant changes in federal regulations with implementation of the Child Care and Development Fund and in anticipation of changes that will be required with the reauthorization of TANF, the promulgatory process needs to begin anew and presented at the June Board meeting.

On behalf of the department, Mr. Martin requested the Board to withdraw the Notice of Intended Regulatory Action package to amend 22 VAC 40-660-10 entitled Child Day Care Services Policy that was published in the Virginia Register in 16:24 VA.R. 3036 August 14, 2002.

Discussion: Mr. Spadaccini questioned the number of regulatory actions requested to be withdrawn due to items not being forwarded in a timely manner.

Mr. Martin advised this was the last one in the Services area; however, there are several in other areas. He is working diligently to clear them up.

ON MOTION DULY MADE (Ms. Christopher) and seconded (Mr. Spadaccini) moved to withdraw the Notice of Intended Regulation Action package to amend 22 VAC 40-660-10 entitled Child Day Care Services Policy. Motion carried with all in favor.

Local Non-Deviating Local Social Services Agencies with Salary Range Maximum that Exceed the State's Reimbursable Salary Range Maximum

Ms. Blanchard, Human Resource Director, requested the Board to approve Compensation Plans for Amelia, Charles City, Essex, King & Queen, King George, Richmond County, Bedford, and Carroll Counties, with the understanding that any compensation paid in excess of the State's reimbursable salary range shall be paid wholly from the funds of such county or city and any federal funds that are available and appropriate for use.

Discussion: Chairman Andrews confirmed the increase would take effect July 1.

ON MOTION DULY MADE (Ms. Christopher) and seconded (Mr. Spadaccini) moved to approve the above mentioned counties with the stated understanding that any compensation paid in excess of the State's reimbursable salary range shall be paid wholly from the funds of such county or city and any federal funds that are available and appropriate for use. Motion carried with all in favor.

22 VAC 40-141-10 Minimum Standards for Licensed Independent Foster Homes

Cynthia Carneal advised this action will amend the proposed regulation to incorporate findings from the periodic review, suggestions received during public comment period and statutory changes since the regulation was last amended in 1999.

The Board was requested to approve the proposed package and fiscal impact analysis.

Discussion: Mr. Jones asked if a standard Trust Agreement was used with families. Ms. Carneal confirmed it was and agreed to send him a copy.

There was some discussion on the bathroom ratio being 1 to 8 people.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Luca) moved to approve the proposed regulatory package to amend 22 VAC 40-141-10 Minimum Standards for Licensed Independent Foster Homes for publication in the Virginia Register subject to approval under the provisions of Executive Order Number 21 (2002) and approve the fiscal impact analysis for distribution to local boards of social services. Motion carried with all in favor.

Treatment Foster Care Regulation Update

Paula Dehetree, Assistant Director in Licensing provided an update to the Board on the Treatment Foster Care Regulation. Further comments on this regulation have been heard and reviewed. The regulation is currently in the Office of Secretary of Health and Human Services. The department feels the regulation should move forward soon and a public hearing will be held. It is with the hope this regulation will come before the Board in August.

Resolution

Chairman Andrews presented Jean Sheil with a Resolution commending her for the hard work she had done in her area since coming to the department. Ms. Sheil resigned from the department in April to pursue other passions.

Child Protective Services Fatality Report

Cathleen Newbanks, Director of Services reviewed the Fatality Report with members.

Mr. Spadaccini noted the increase numbers in Eastern Region and asked what, if any, additional resources are going to improvements in this region.

Ms. Newbanks advised that Commissioner Jones has asked that prevention plans be developed for all regions. Ms. Newbanks also mentioned that the Eastern Region has its own Child Fatality Team that is closely working on the problem also.

Ms. Newbanks confirmed that not enough is being done in primary prevention. The lack of a Speaker Bureau to promote a good package is an issue. She also advised Hampton has done a lot of work in this area and expects this will continue.

Mr. Spadaccini suggested that Scouting entities may also assist in providing information. He can provide Ms. Newbanks with a contact. He also asked that the Board be briefed further on the Norfolk Case during Closed Meeting in June.

Mr. Spadaccini further advised his interest in an update on the Interstate Compact. Specifically, to know how many children are in out of state residential facilities. Mr. Owen advised that he would contact Donna Douglas and ask her to do a briefing at the June Board meeting on this issue.

Mr. Jones thanked Ms. Newbanks for the report and encouraged members to look beyond the report and ask why are these fatalities occurring. He also advised he would like to see a prevention plan and how the department plans to move toward preventing/erasing child abuse/fatalities. Ms. Newbanks will provide information at the June meeting.

Packets and blue ribbons representing Child Abuse Prevention Month were distributed to members. April is Child Abuse Prevention Awareness Month.

Commissioner Comments

Commissioner Jones provided an update on the budget and department restructure. He advised of a large problem to be faced at the end of 2004 when TANF Reserves will be depleted. He advised the department needs to work smarter and be more strategic in spending this block grant. He plans to look at all program effectiveness.

Commissioner Jones advised 32 positions will be eliminated from Central and Piedmont Regions. He is working to locate alternative positions within the department. He also advised that 35 positions in Central Office will be eliminated. DSS will be reconfigured as a whole and regional offices will be integrated with Central Office. This will result in assisting locals with clients and becoming better and more focused services being provided.

Commissioner Jones advised that changes to Workforce Development will be implemented July 1, 2003.

Discussion: Members inquired as to how the Piedmont and Central Regional Offices were chosen to be eliminated and how the VLSSE felt toward this change.

Commissioner Jones advised that jobs needed to be eliminated without disseminating the functions. He felt taking a few staff from each would hinder the functions. By process of elimination, it was decided that Western Region should remain because of its distance from Richmond and Eastern and Northern should stay due to their populations.

Ben Owen, President of the VLSSE advised local agencies were concerned that functions done at the regional level would be placed on already over-burdened local agencies. He stated that as long as the state office can provide support, the VLSSE is agreeable.

Legislative Update

Richard Martin provided a copy of the 2003 Legislation Implementation Plan (copy part of the original Minutes housed in Central Office) and a report on legislation of concern to the department.

Chesterfield Colonial Heights LDSS & Children Homes Society of VA Adoption Project
Sarah Snead, Director of this local agency advised that each year between 25-35,000 children leave foster care without achieving permanency. Among this amount, only 33% have completed high school or received their GED. She advised that 40% are still a cost to the community; 60% have given birth to a child; and 45% are homeless within a year of leaving foster care.

Through collaboration with public/private partnerships children with terminated parental rights are referred. Children Home Society recruits and trains families, assists with adoption and subsidy agreements, arranges visits and placement with a family, supervises and assures post placement services and completes the final report.

A National Award for Adoption was displayed and photos of adoptive children were shared with members.

Public Comment

Diantha McKiel, Chairman of the Albemarle School Board thanked the Board for their support for the Healthy Families Program that in all their elementary schools.

Roxanne White, Asst. Executive for Albemarle County Human Services advised they collaborate with Bright Stars and Family Support Programs. She mentioned a good working relationship with schools. She thanked Local Director Kathy Ralston for her work in forging relationships with schools and advisory boards.

Jackie Bryant, Coordinator for Partnership for Children mentioned their collaboration of fourteen agencies where children are nurtured in healthy families and arrive at school ready to learn. She mentioned their efforts to change the community to betterment of the children with Literacy Kits being delivered to homes. She advised they have no funding and welcomed Board involvement in this effort. Ms. Christopher requested that Ms. Bryant mail her a brochure on this project.

Liz Dowdy, Child Day Care Council Member and concerned citizen, spoke to the Board on a CPS issue in Roanoke. Information was forwarded to Ms. Rengnerth for dissemination at Central Office.

Cheryl Cooper, Director and Regional Director for VA Adult Care spoke on Executive Order 21; mentioning two areas of concern. She suggested that TB testing should be in line with the World Health Organization and to extend the timeframe of when someone has a physical from 30 days to 90 days. She advised of concern impact and deregulation will put clients at risk. She is dedicated to ensure that caregivers and their environment are safe.

Gordon Walker, Albemarle School Board advocated for additional funds for the Jefferson Albemarle Board on Aging. He recommended the rate be increased. He advised the current rate (\$841 per month) equals to \$1.15 per hour. North Carolina currently pays \$1127 per month and Maryland pays \$1564-1975 per month.

Albemarle Social Services Customer Service Comment Card Project

Paul McWhinney Assistant Director spoke to members about the ongoing efforts of his agency toward the delivery of excellent customer services the citizens of Albemarle County.

After sharing this information, he advised customer feedback is being received to attain superior customer services.

VLSSE Update

Kathy Ralston provided a briefing on TANF re-authorization. She advised that Virginia seeks to design and operate an adequately funded and flexible Temporary Assistance Program that reduces poverty, improves the earnings, advancement and retention of jobs and promotes the well being of children in health, safe and stable families.

Guiding Principles and Goals were shared with the Board and are included as part of the official Minutes housed in Central Office.

Buzz Cox spoke to the Board regarding funding of local administration cost. He advised that prior to 1990, agencies were reimbursed at 100%. Since then, a block grant formula has been used requiring local match which causes agencies to receive 80% or less.

He advised that agencies have not had a cost of living increase, or office space cost adjustment even though the agency has experienced a raise in these costs.

Recess

Thursday

Possess Resolution

Board members were requested to recognize the week of April 21-25, 2003 as Office Services Support Employee Appreciation Week calling upon all Virginians to join in acknowledging their public service and contributions.

ON MOTION DULY MADE (Mr. Spadaccini) and seconded (Ms. Luca) moved to recognize April 21-25, 2003 as Office Services Support Employee Appreciation Week. Motion carried with all in favor. (Copy of Resolution is part of the official Minutes housed in Central Office.)

Division of Program Integrity Update

Mary Jo Thomas, Director, spoke to the Board on the Mission and Authority of the FREE Program, and their accomplishments. Members were invited to attend a future Fraud Meeting.

In Home Services

Elizabeth Shirley, Fairfax County provided a presentation that will allow seniors and adults with disabilities to remain at home. Goals and objectives include enabling county residents to remain at home; promote maximum independence and self-determination; tailor care to the needs of the individual; enhance family and social supports; provide quality service, meet needs in a cost effective manner and promote private/public partnerships.

Community Program Update

Jane Brown, Director, spoke to the Board about their work across program and agency lines and across different funding streams. She mentioned a 10-12 minute video for mandated reporters. This is to be added as a future agenda item.

TANF Reauthorization

Duke Storen, Director of Benefits, provided an update of the TANF Reauthorization. He advised this program is operating on continued resolutions and waivers are not likely to continue. The impact is that some individuals currently exempt will no longer be non-exempt. He advised that currently 2/3 of the caseload is now exempt.

Discussion: Mr. Spadaccini mentioned that the local agencies had not been included in this process.

Mr. Storen advised he had attended League TANF meetings, attending ESP committee meetings of VLSSE, met personally with Janine Sewell to discuss a host of related issues. He advised he has also met the League Financial Services committee. He further mentioned the hope of having monthly meetings to ensure there is an ongoing work group involved.

Mr. Spadaccini stated that there appeared to be a “disconnect” in the process with the League, both Mr. Storen and Deputy Commissioner stated that they would meet with the League’s leadership to resolve any confusion. Mr. Spadaccini thanked them for their efforts and assurance.

Strategic Planning Calendar

Ray Goodwin, Deputy Commissioner, provided an update on the Strategic Planning Calendar at the request of members at the February meeting. Mr. Goodwin advised the Strategic Plan includes mission goals, performance, values, etc. He further stated that Mr. Spadaccini currently attends the meetings and Ms. Christopher would attend also.

The League will work with local agencies on development of organizational strategies to support the DSS system.

Individual work plans and employee work plans are to be developed and measured to evaluate state employees.

He advised there will be a Planning Unite to work under the Commissioner. He will ensure there is a way to include the Board on its activities.

Family Support Program

Charity Haines and John Freeman provided a report on the progress and current status of the Family Support Program. Their mission statement is to provide prevention and early intervention services that support children's growth and development, strengthen families and promote school success through home, school and community collaboration.

Goals include reducing out of home placement, preventing child abuse and neglect, improving school success, increasing parental involvement in child's education, encourage strong communications between school and home, and improving access to community services. A copy of this report will be attached to the Official Minutes housed in Central Office.

Unfinished Business

Mr. Goodwin will follow up with the members on an anonymous letter received in local agency.

Minutes

ON MOTION DULY MADE (Mr. Brown) and seconded (Mr. Spadaccini) moved to approve the February 2003 Minutes as presented. Motion carried with all in favor.

Future Meeting Schedule

Chairman Andrews reviewed the future meeting schedule. The June 18-19 meeting will be held in Lexington. The August 20-21 meeting will be held in Hampton. The October 22-23 meeting will be held in Western Region. Mr. Brown will meet with Ms. Rengnerth on possible locations. The December 17-18 meeting will be held in Central Region.

Rolling Agenda

Chairman Andrews advised members to contact Ms. Rengnerth of items they wish to have presented before the Board.

New Business

Nominating Committee

Chairman Andrews appointed Ms. Luca, Mr. Brown and Mr. Jones to the nominating committee. The committee will present their slate at the June Meeting.

Mr. Jones stated that he did not want to run for an officer position but asked for clarification from the Chair that the members of the Nominating Committee could run for office if they desired and she stated yes they could.

CPS Out of Family Appointments

Chairman Andrews appointed Kerthy Hearn and Johanna Schuchert to the CPS Out of Family Advisory Group. Ms. Hearn will serve as the VEA representative and Ms. Schuchert will serve as the Prevent Child Abuse VA representative.

Subcommittee Reports

Mr. Brown handed out copies of the Board's budget. To date, the Board has spent less than 50% of their allotted funds. He asked that all questions be directed to Ms. Rengnerth who serves as the Board's Cost Center Manager.

Board Comments

Mr. Spadaccini thanked Albemarle, Charlottesville and the local boards for hosting a lovely reception, breakfast, and the private tour of Monticello.

Mr. Spadaccini wished Mr. Jones an early birthday wish.

Ms. Luca thanked everyone for arranging the Monticello Tour and the lovely reception.

Mr. Brown thanked everyone for their hospitality.

Mr. Jones asked for a point of clarification regarding the Nominating Committee. He wanted to ensure there was no conflict if a member serving on the committee also chose to serve as an officer. He was assured by Chairman Andrews this was not a problem.

Mr. Jones thanked Ms. Rengnerth for her continued assistance for a job well done.

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Chairman Andrews thanked everyone for their hospitality and commended Mr. Jones on earlier comments regarding CPS fatalities. She agreed there shouldn't be any fatalities in Virginia.

ON MOTION DULY MADE (Mr. Jones) and seconded, the Board meeting adjourned with all in favor.

Adjournment

Submitted by Pat Rengnerth
Approved June 2003